

661—5.626(231C) Assisted living housing.

5.626(1) Definitions. The following definitions apply to rule 661—5.626(231C):

“Assisted living facility” means a facility that houses a program that is certified or seeking certification pursuant to the provisions of Iowa Code Supplement section 231C.3 or that has been identified by the department of inspections and appeals as a facility housing a program which requires certification pursuant to Iowa Code Supplement section 231C.3 and is not currently certified.

“Existing assisted living facility” means an assisted living facility which has been in continual operation since May 31, 2004, or before.

“New assisted living facility” means an assisted living facility which begins operation on or after June 1, 2004.

“NFPA” means the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. References to the form “NFPA xx,” where “xx” is a number, refer to the NFPA standard or pamphlet of the corresponding number.

5.626(2) New assisted living facilities. NFPA 101, Life Safety Code, 2003 edition, Chapter 32, “New Residential Board and Care Occupancies,” is hereby adopted by reference as the rules governing new assisted living facilities.

5.626(3) Existing assisted living facilities. NFPA 101, Life Safety Code, 2003 edition, Chapter 33, “Existing Residential Board and Care Occupancies,” is hereby adopted by reference as the rules governing existing assisted living facilities.

5.626(4) Alternative requirements. In lieu of complying with the requirements established in subrule 5.626(2) or 5.626(3), an assisted living facility may alternatively comply with the requirements established in this subrule, if it meets the respective qualifications stated for the alternative requirement.

a. An assisted living facility that was initially approved by the fire marshal on the basis of compliance with the requirements of the 2000 edition of the Life Safety Code or that is located within or adjacent to a licensed health care facility required to comply with applicable provisions of the 2000 edition of the Life Safety Code may comply with the requirements established in NFPA 101, Life Safety Code, 2000 edition. If the facility was initially approved on the basis of compliance with Chapter 32, “New Residential Board and Care Occupancies,” the facility shall continue to comply with the provisions of that chapter. A facility that was initially approved by the fire marshal on the basis of compliance with Chapter 33, “Existing Residential Board and Care Occupancies,” may continue to comply with that chapter as long as it is in continuous operation and does not undergo major renovation or remodeling. A facility that was initially approved on the basis of compliance with Chapter 33 and whose operation is not continuous or that undergoes major renovation or remodeling shall comply with Chapter 32.

b. An assisted living facility that was certified prior to July 1, 1997, and that has continuously operated under that certification since July 1, 1997, may comply with the requirements of NFPA 101, Life Safety Code, 1994 edition, Chapter 23, “Existing Residential Board and Care Occupancies.”

c. An assisted living facility that was certified on or after July 1, 1997, and before June 1, 2004, and that has continuously operated under that certification since before June 1, 2004, may comply with the requirements of NFPA 101, Life Safety Code, 1994 edition, Chapter 22, “New Residential Board and Care Occupancies.”

5.626(5) Evacuation capability. For any provision of subrules 5.626(1) through 5.626(4) which is contingent upon evacuation capability, facilities may:

a. Comply with requirements for an evacuation capability rating of “impractical.”

b. Comply with requirements which are contingent upon evacuation ratings of “slow” or “prompt,” provided that the residents and staff of the facility have undergone evacuation rating evaluations performed by a health care professional and that all residents and staff are rated capable of “slow” or “prompt” evacuation, respectively. The evacuation capability ratings shall be updated each time a new resident arrives at the facility, a new staff person is assigned to the facility, or the physical condition or capacity for mobility of a resident or staff member changes significantly. Evacuation capability ratings shall be performed at the expense of the facility and any records supporting the ratings

shall be made available to a fire inspector or personnel of the department of inspections and appeals upon request.

This rule is intended to implement Iowa Code Supplement section 231C.4.